

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNIVERSITY OF PITTSBURGH OF THE
COMMONWEALTH SYSTEM OF HIGHER
EDUCATION d/b/a UNIVERSITY OF
PITTSBURGH

08cv1307
ELECTRONICALLY FILED

Plaintiff,

v.

VARIAN MEDICAL SYSTEMS INC.

Defendant,

FINAL JUDGMENT ORDER

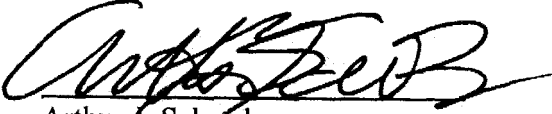
AND NOW, this 26th day of April 2012, pursuant to Rule 58 of the Federal Rules of Civil Procedure, and in accordance with the Court's previously issued Orders, the Court hereby enters judgment for Plaintiff University of Pittsburgh of the Commonwealth System of Higher Education and against Defendant Varian Medical Systems, Inc. for infringement of U.S. Patent No. 5,727,554 claims 20, 21, 22, 25, 26, 36, and 38.

IT IS THEREFORE ORDERED THAT Plaintiff shall have and recover from Defendant the total sum of \$85,800,205 (which represents the original jury verdict multiplied by a factor of two (\$73,768,558), plus prejudgment interest in the amount of \$12,031,617), together with attorneys fees, plus damages due for sales from April 1, 2011 through today (and prejudgment interest thereon) as set forth in Doc. No. 870, together with postjudgment interest on the entire sum calculated pursuant to 28 U.S.C. § 1961.

IT IS FURTHER ORDERED that for the remaining life of U.S. Patent No. 5,727,554 Defendant is to pay Plaintiff an ongoing royalty, as a percentage of gross sales, of 10.5% for each Real-time Position Management system and 1.5% for each Clinac or Trilogy linear accelerator sold in combination with a Real-time Position Management system after the entry of Final

Judgment. Royalties shall be paid quarterly and shall be accompanied by an accounting of the sales of infringing products. It is anticipated that the parties may wish to agree to more comprehensive or convenient terms. The parties shall promptly notify the Court of any such agreement. The Court retains jurisdiction to enforce this portion of the Final Judgment.

All relief not specifically granted herein is **DENIED**. This is a Final Judgment and is appealable.



Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties